

May 26, 2015

## Summary of May 14-15, 2015, Board Meeting

**The following is a summary of the May 14-15, 2015, meeting of the Iowa Board of Medicine.**

**Cases Reviewed:** The Board reviewed 94 cases.

**New Investigative Cases:** The Board reviewed 38 new investigative cases.

**Statement of Charges:** Upon a determination by the Board that probable cause exists to take formal disciplinary action against a licensee, the Board may file a Statement of Charges which contains the allegations of the Board.

The Board approved 3 Statement of Charges.

1. An Iowa-licensed physician who practices family medicine in Washington, Iowa, had formal disciplinary charges filed against her on May 15, 2015. On February 12, 2009, the physician entered into a combined Statement of Charges and Settlement Agreement with the Board. The Board charged her with failing to provide appropriate chronic pain treatment to multiple patients and failing to maintain appropriate professional boundaries with patients. The physician voluntarily completed over thirty credit hours of continuing medical education for appropriate chronic pain treatment and maintaining appropriate professional boundaries and agreed to be monitored by the Iowa Physician Health Program. The Board issued the physician a Citation and Warning and placed her on probation for a period of five years subject to counseling and Board monitoring. On February 12, 2014, the physician completed the terms of her probation. On January 24, 2014, the Board charged the physician with failing to provide appropriate obstetrical care to multiple patients in Washington, Iowa, between 2005 and 2010. On August 8, 2014, the physician entered into a Settlement Agreement with the Board. The Board issued the physician a Citation and Warning, ordered her to pay a \$5,000 civil penalty, permanently prohibited her from practicing obstetrics and placed her on probation for a period of five years subject to certain conditions. On May 15, 2015, the Board charged the physician with violating the terms of the August 8, 2014, Settlement Agreement, including failing to obtain a Board-approved educational preceptor in a timely manner; failing to complete continuing medical education and self-study in a timely manner; failing to complete a documentation course in a timely manner; and failing to file sworn quarterly reports attesting to her compliance with the terms of her probation. A hearing is scheduled on July 30-31, 2015.

2. An Iowa-licensed physician who formerly practiced internal medicine, specializing in cardiovascular disease, in London, Kentucky, had formal disciplinary charges filed against him on May 15, 2015. On June 4, 2013, the physician pleaded guilty to health care fraud in the United States District Court, Eastern District of Kentucky. The physician falsely recorded the severity of patients' illnesses in order to receive payment for numerous heart procedures in 2009 and 2010. The physician was sentenced to 30 months in federal prison and was excluded from the Medicare, Medicaid and all other federal health care programs for a minimum of five years. On June 20, 2013, the physician was disciplined by the Kentucky Board of Medical Licensure (Kentucky Board) for failing to perform appropriate histories, physical examinations and cardiovascular testing, failing to maintain appropriate medical records, and performing unnecessary cardiovascular testing, stenting and angioplasty procedures. The physician forfeited his Kentucky medical license. On May 15, 2015, the Iowa Board charged the physician with being convicted of a felony related to the practice of medicine and being disciplined by the Kentucky Board in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on September 10, 2015.
3. An Iowa-licensed physician who practices neurological surgery in Cedar Rapids, Iowa, had formal disciplinary charges filed against him on May 15, 2015. The Board alleged that the physician demonstrated professional incompetency when he failed to provide appropriate neurological surgical care to numerous patients in Cedar Rapids, Iowa. The Board alleged that the physician inappropriately utilized epidural blood patches to manage postoperative spinal fluid leaks discovered following spinal surgery, that his patient's experienced excessive infections following neurostimulator placement and he failed to appropriately manage the infections, and he failed to establish appropriate coverage arrangements for his patients in his absence putting his patients at risk of harm. The Board also alleges that the physician maintained pre-signed prescriptions which were intended to be completed and issued at a later time in violation of the laws and rules governing the practice of medicine in Iowa. A hearing is scheduled on July 30-31, 2015.

**Combined Statement of Charges and Settlement Agreements:** If the Board determines that probable cause exists for formal disciplinary action against a licensee, the Board and the licensee may enter into a combined Statement of Charges and Settlement Agreement to resolve the matter. The combined Statement of Charges and Settlement Agreements contain the Board's allegations and the disciplinary sanctions.

The Board approved 3 Combined Statements of Charges and Settlement Agreements.

1. An Iowa-licensed physician who practices orthopedic surgery in McHenry, Illinois, entered into a combined Statement of Charges and Settlement Agreement with the Board on May 15, 2015. On March 10, 2014, the physician was disciplined in Illinois for attempting to perform surgery on a patient's right ankle when the patient was scheduled to undergo surgery on the left ankle. The physician recognized the error after the initial incision and immediately informed the patient and the family and the patient chose to proceed with the surgery on the left ankle. The Illinois Board issued the physician a Reprimand for attempting to perform surgery on the wrong ankle. Under the terms of the May 15, 2015, combined Statement of Charges and Settlement Agreement, the Iowa Board charged the physician with being disciplined by the Illinois Board for attempting to perform surgery on the wrong ankle. The Iowa Board issued the physician a Citation and Warning and required him to submit a written corrective action plan describing the steps he has taken to avoid such errors in the future.

2. An Iowa-licensed physician who formerly practiced family medicine in Grundy Center, Iowa, and currently practices in Newton, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on May 15, 2015. The Board charged the physician with engaging in sexual harassment and unprofessional conduct when he engaged in a sexual relationship with a female co-worker to whom he also prescribed medications, exchanged inappropriate text messages and photographs with female co-workers and exposed himself to a female co-worker. At the direction of the Board, The physician completed a Board-approved professional boundaries evaluation on September 5, 2014. Under the terms of the May 15, 2015, combined Statement of Charges and Settlement Agreement, the Board issued the physician a Citation and Warning and ordered him to pay a \$5,000 civil penalty and complete a Board-approved professional boundaries program. The Board also placed him on probation for a period of five years subject to counseling and Board monitoring.
3. An Iowa-licensed physician who practices family medicine in Pella, Iowa, entered into a combined Statement of Charges and Settlement Agreement with the Board on May 15, 2015. Under the terms of the May 15, 2015, combined Statement of Charges and Settlement Agreement, the Board charged the physician with violating the laws and rules governing the practice of medicine in Iowa when he failed to provide appropriate pain management to multiple patients in Pella, Iowa, between 2007 and 2014. The Board issued the physician a Citation and Warning and required him to pay a \$5,000 civil penalty. The Board also prohibited him from prescribing, administering or dispensing controlled substances for the treatment of chronic pain under his Iowa medical license and ordered him to complete a medical record keeping course. The Board also placed the physician on probation for a period of five years subject to Board monitoring, including prescribing audits.

**Confidential Evaluation Orders:** If the Board receives evidence that a physician may suffer from a physical, neurological or mental health condition, or substance abuse, or has engaged in unprofessional conduct, disruptive behavior or sexual misconduct, the Board may issue a confidential evaluation order requiring the physician to complete an evaluation at a Board-approved evaluation program. Additionally, if the Board receives evidence that a physician lacks the ability to practice medicine with reasonable skill and safety, the Board may issue a confidential evaluation order requiring the physician to complete a clinical competency evaluation at a Board-approved evaluation program.

The Board approved 1 Confidential Evaluation Order due to the following areas of concern:

1. Concerns that a physician failed to timely diagnose lung cancer in a patient in a timely manner; failed to provide appropriate diagnosis and treatment of Lyme disease in multiple patients; failed to maintain appropriate medical records; reused disposable ear covers for otoscopes; allowed inadequately trained individuals to dispense sample medications to patients without appropriate supervision or documentation and treated multiple patients using Skype without performing appropriate examinations, testing and monitoring, and without maintaining appropriate medical records.

**Confidential Letters of Warning or Education:** When the Board determines that probable cause does not exist to take formal disciplinary action against a licensee the Board may send a confidential, non-disciplinary, letter to the licensee expressing concerns and requesting that the licensee take corrective action, including further education.

The Board voted to issue 12 confidential Letters of Warning or Education due to the following areas of concern:

1. Concerns about a physician's use of hormone therapy for multiple patients.
2. Concerns about a physician's treatment to an elderly patient in a skilled nursing facility.
3. Concerns about a physician's treatment of a patient following an automobile accident.
4. Concerns about a physician's treatment of a patient who experienced significant complications after undergoing a colonoscopy.
5. Concerns about a physician's surgical care to a patient who experienced significant complications following surgery.
6. Concerns about a physician's evaluation and treatment of an elderly patient who suffered a fractured femur.
7. Concerns about a physician's illegible handwriting in medical records for a patient.
8. Concerns about a physician's evaluation and treatment of a patient who suffered a stroke.
9. Concerns that an Iowa-licensed physician was disciplined by another state licensing Board for prescribing phentermine, a controlled substance, to a patient who was also the physician's business associate without performing appropriate examinations and without maintaining appropriate medical records.
10. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for using pre-signed prescriptions and performing improper pain injections.
11. Concerns that a physician with an inactive Iowa medical license was disciplined by another state licensing Board for reading the wrong CT scan and ultrasound for two patients.

**Monitoring Committee:** The Monitoring Committee monitors licensees who are subject to a Board disciplinary order and require monitoring.

The Monitoring Committee reviewed 9 physicians who are being monitored by the Board and held 3 physician appearances.

**Screening Committee:** The Screening Committee reviews cases that are lower priority to determine whether investigation is warranted.

The Screening Committee reviewed 13 cases.

**Licensure Committee:** The Licensure Committee reviews initial license applications, renewals and reinstatements and other licensure policies and issues. Most license applications are approved by Board staff without Licensure Committee review. However, some applications raise concerns about an applicant and the Licensure Committee must review the matter to determine whether a license should be granted, renewed or reinstated.

The Committee reviewed 10 licensure applications. Four permanent licenses were granted, two temporary licenses were granted, and one consent agreement was approved. Three applications were left open to obtain further information.

The Committee approved a request for waiver of IA Administrative Code 653-9.3(1)b(3) which requires applicants who hold a medical degree from an educational institution not approved by the board to have successfully passed a basic science examination administered by a United States or Canadian medical licensing authority or SPEX; and have successfully completed three years of resident training in a program approved by the board; and have submitted evidence of five years of active practice without restriction as a licensee of any United States or Canadian jurisdiction. The applicant met all requirements other than five years of active practice as a licensee of any United States or Canadian jurisdiction.

The Committee approved 6 Letters of Warning that were issued due to concerns that the applicants failed to provide truthful, accurate or complete information on the application.

**In other action the Board:**

- Received a report from the Iowa Physician Health Program, which monitors physicians with mental health issues, physical disabilities or substance use disorders. The program had 70 participants and 15 in the review process on April 30. There have been four new participants admitted to the program and seven discharges since January 1.
- Received a report from the Assistant Iowa Attorney General, Julie Bussanmas on a rulemaking case under judicial review.

**A press release describing public disciplinary action taken by the Board was distributed and posted on the Board's Website on May 20, 2015. If you have questions about this summary or the Board's press release, please contact Kent M. Nebel, J.D., Legal Director, at (515) 281-7088 or [kent.nebel@iowa.gov](mailto:kent.nebel@iowa.gov).**